



July 22, 2022

VIA ECF

Hon. Joanna Seybert
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Wilson v. County of Suffolk, et al*
21 Civ. 3716 (JS) (SIL)

Dear Judge Seybert,

I represent the plaintiff, Ron Wilson, in the above-referenced matter. I write in compliance with the Court's order that the parties file a letter indicating how they intend to proceed with this action.

Prior to the stay of this matter, the defendants filed a pre-motion letter outlining the legal theories upon which a motion to dismiss the Complaint would be made. Simply stated, the defendants cited the district court's conclusions in *Does 1-10 v. Suffolk County*, 21-cv-3409 as a basis for dismissing this case, despite the fact that (i) no Penal Law section prohibited the possession of the CT4-2A; and (ii) Mr. Wilson's case was markedly different than *Does* in that his property was confiscated by the defendants under the false premise that the firearms were illegal in New York State. Any such motion, if intended, would be frivolous. As set forth in Mr. Wilson's July 14, 2022 status letter, the Second Circuit affirmed the dismissal of *Does 1-10* for reasons having no negative impact on this case.

Further, Governor Hochul's May 18, 2022 public pronouncements that "Other Weapons" are legal to own in New York State¹ and her promise to pass legislation to ban them, which came to fruition with the Legislature's June 6, 2022 amendment to the definition of "firearm" under Penal Law §

¹ See, at time stamp 18:52:

<https://www.bing.com/videos/search?q=Press+Conference+Governor+Hochul+Guns&&view=detail&mid=C892F5C5191C418B8FCFC892F5C5191C418B8FCF&&FORM=VRDGAR>

"There is another loophole. It's called the 'AOW'. Have you heard of this? It stands for 'any other weapon.' And you're gonna to be shocked when you see the type of gun **that can legally be bought in the State of New York today** because there's a new category of weapons, where the characteristics put them in a grey space between rifles, and shotguns, and pistols. And they're specifically designed to fall outside the realm of regulation. So, they're not subject to our laws. That is how they're created. That is why they exist. Superintendent would you please show us what an 'any other weapon' looks like...our laws don't regulate this." (emphasis added).

265.00(3)², forecloses any argument that Suffolk County's written policy (detailed in the Complaint), which was implemented and enforced by the defendants under the false pretense that they were enforcing the Penal Law, was lawful prior to July 6, 2022.

On behalf of Mr. Wilson, we ask that the Court set a discovery schedule or, in the alternative, a date by which the parties must file a proposed case management plan so that Mr. Wilson may proceed with the prosecution of his claims.

Thank you for the Court's consideration.

Very truly yours,

Amy L. Bellantoni
Amy L. Bellantoni

² The definition of "firearm" now includes "(f) any other weapon that is not otherwise defined in this section containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive." This amendment went into effect on July 6, 2022.